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# **SIM & McBURNEY**

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**DATE: April 30, 2010**

<b>TO:</b>	<b>FAX No.</b>	<b>PHONE No.</b>
Director of the United States Patent & Trademark Office Mail Stop Appeal Brief – Patents	571-273-8300	

**Your File Ref:** U.S. Patent Application No. 09/845,497

**Our File Ref:** 9577-25 LAB

<b>From :</b>	<b>Kimberly A. McManus</b> <b>Assistant:</b> (416) 849-8402 <b>Email:</b> <a href="mailto:mcmaman@sim-mcburney.com">mcmaman@sim-mcburney.com</a>	<b>Direct Line:</b> (416) 849-8405	<b>Confirmation No. :</b> 2340
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**Total Number of Pages (Including This Page): 27**

**COMMENTS:**

<b>Appl. No.</b> :	<b>09/845,497</b>	<b>Confirmation No. :</b>	<b>2340</b>
<b>Applicant</b> :	<b>ODIDI, Amina and ODIDI, Isa</b>		
<b>Filed:</b> :	<b>May 1, 2001</b>		
<b>TC/Art Unit</b> :	<b>1616</b>		
<b>Examiner</b> :	<b>PRYOR, Alton Nathaniel</b>		
<b>Docket No.</b> :	<b>9577-25 LAB</b>		
<b>Title</b> :	<b>EXTENDED RELEASE PHARMACEUTICALS</b>		

Please find attached an Appeal Brief and Fee Transmittal Form with respect to the above-identified application.

**Kindly acknowledge receipt by return fax.**

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PTO/SB/17 (10-08)

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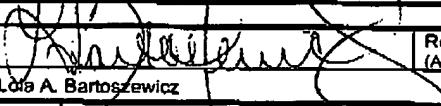
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<b>Effective on 12/08/2004</b> <i>Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818)</i>		<b>Complete if Known</b>	
<b>FEE TRANSMITTAL</b> <b>For FY 2009</b>		<b>Application Number</b> 09/845,497	<b>Filing Date</b> 05/01/2001
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		<b>First Named Inventor</b> ODIDI, Amina	<b>Examiner Name</b> Pryor, Alton
<b>TOTAL AMOUNT OF PAYMENT</b> (\$)		<b>Art Unit</b> 1616	<b>Attorney Docket No.</b> 9577-25 LAB

<b>METHOD OF PAYMENT</b> (check all that apply)	
<input type="checkbox"/> Check <input type="checkbox"/> Credit Card <input type="checkbox"/> Money Order <input type="checkbox"/> None <input type="checkbox"/> Other (please identify): _____	
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<input checked="" type="checkbox"/> Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17	<input checked="" type="checkbox"/> Credit any overpayments
<small>WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</small>	

<b>FEE CALCULATION</b>						
<b>1. BASIC FILING, SEARCH, AND EXAMINATION FEES</b>						
<b>Application Type</b>	<b>FILING FEES</b>		<b>SEARCH FEES</b>		<b>EXAMINATION FEES</b>	
	<b>Small Entity</b>	<b>Fee (\$)</b>	<b>Small Entity</b>	<b>Fee (\$)</b>	<b>Small Entity</b>	<b>Fee (\$)</b>
Utility	330	165	540	270	220	110
Design	220	110	100	50	140	70
Plant	220	110	330	165	170	85
Reissue	330	165	540	270	650	325
Provisional	220	110	0	0	0	0
<b>2. EXCESS CLAIM FEES</b>						
<u>Fee Description</u>						
Each claim over 20 (including Reissues) <u>Small Entity Fee (\$)</u> 52      26						
Each independent claim over 3 (including Reissues)      220      110						
Multiple dependent claims      390      195						
<u>Total Claims</u> <u>Extra Claims</u> <u>Fee (\$)</u> <u>Fee Paid (\$)</u> <u>Multiple Dependent Claims</u> - 20 or HP =      x      = <u>Fee (\$)</u> <u>Fee Paid (\$)</u>						
<small>HP = highest number of total claims paid for, if greater than 20.</small>						
<u>Indep. Claims</u> <u>Extra Claims</u> <u>Fee (\$)</u> <u>Fee Paid (\$)</u> <u>Fee (\$)</u> <u>Fee Paid (\$)</u> - 3 or HP =      x      = <u>Fee (\$)</u> <u>Fee Paid (\$)</u>						
<small>HP = highest number of independent claims paid for, if greater than 3</small>						
<b>3. APPLICATION SIZE FEE</b>						
If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$270 (\$135 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).						
<u>Total Sheets</u> <u>Extra Sheets</u> <u>Number of each additional 50 or fraction thereof</u> <u>Fee (\$)</u> <u>Fee Paid (\$)</u> - 100 =      / 50 =      (round up to a whole number) x      = <u>Fee (\$)</u> <u>Fee Paid (\$)</u>						
<b>4. OTHER FEE(S)</b>						
Non-English Specification, \$130 fee (no small entity discount) <u>Fees Paid (\$)</u> 270.00						
Other (e.g., late filing surcharge); Filing a brief in support of an Appeal						

<b>SUBMITTED BY</b>			
Signature			Registration No. 43394 <small>(Attorney/Agent)</small>
Name (Print/Type)		Telephone 416-849-8420	
Lola A. Bartoszewicz		Date April 30, 2010	

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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